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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/519,001 | 02/24/2005 | Jukka Peltola | 47092.00108 | 7496 |

32294 7590 04/05/2006

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,001

Applicant(s)

PELTOLA ET AL.

Examiner

Joy K. Contee

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 28-35,41-48,53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki, US Patent No. 6,574,475.

Regarding claims 28 and 41, Suzuki discloses a method (and system) of sharing resources between operators (reads on mobile communications exchanges) in cellular mobile communication networks, wherein each operator comprises its own dedicated resource, and wherein for a new connection, in particular an incoming call and/or a handover, a serving operator is enabled during operation to use another operator's or other operators' resources (see Figs. 6 and 7), characterized in that said operators cover the same geographical area (reads on overlapping cells see Figs. 6 and 7) and said resource sharing is dynamical and seamless in a proactive manner so that the new connection is not interrupted (col. 10, line 20- col. 12, line 9 and col. 13, lines 56-60 and col. 14, lines 8-23).

Regarding claims 29-32 and 42-45, Suzuki further discloses wherein said resource is a frequency, a frequency band or a channel (col. 9, lines 34-59).

Suzuki also discloses wherein said resource comprises a radio frequency equipment and channel processing hardware (col. 9, lines 49-54).

Regarding claims 33-35, 46-48, 53 and 54, Suzuki also discloses further network infrastructure sharing is carried out upon occurrence of a predetermined condition and said predetermined condition comprises exhaustion of coverage of said serving operator while other operators provide sufficient coverage (col. 8, line 43 – col. 10, line 53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-40 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, in view of Williams, US 6,574,476.

Regarding claims 36-40 and 49-52, Suzuki discloses the method and system according to claims 33, 46, 51 but fails to explicitly disclose wherein a predetermined condition comprises increase of load or overload in the serving operator's network and wherein a predetermined condition comprises congestion wherein there are not free resources for a new connection and a situation affecting a predetermined quality of service.

In a similar field of endeavor, Williams discloses wherein a predetermined condition comprises increase of load or overload in the serving operator's network network and wherein a predetermined condition comprises congestion wherein there are not free resources for a new connection and a situation affecting a predetermined quality of service (col. 9, lines 4-55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Suzuki to include consideration of traffic load for the purpose of improving efficiency and dynamic allocation of resources.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


JOY N. CONTEE
PATENT EXAMINER